

TCA Fourth Semi-Annual Report

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250 (b) review for the 6 Months Report during the Capacity Building Period. I also included the specific comments of the USDOJ regarding Professionalization and Recruitment. The USDOJ submitted these comments on January 30, 2016.

I look forward to working with your and the Parties in the implementation of the Action Plans. If you have any questions or concerns regarding my comments, please do not hesitate to contact me.

Sincerely,

Arnaldo Claudio
Technical Compliance Advisor

C: Luis E. Saucedo
Special Litigation Section, USDOJ

Flor Velez Diaz
Special Assistant to the Secretary, PRDOJ

Methodology to Review Action Plan on Professionalization

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March 27, 2016

VIA ELECTRONIC MAIL

Lt. Col. Clementina Vega Rosario
Reform Unit Director
Puerto Rico Police Department
P.O. Box 70166
San Juan, PR 00936

Re: USA v. Commonwealth of Puerto Rico, No. 3:12-cv-2039 (GAG)
Methodology to Review Action Plan on Professionalization

Lt. Col. Vega Rosario:

Please find enclosed the TCA's proposed methodology to review the Action Plan on Professionalization.

During the capacity building period, the TCA will take the following methodological actions to provide feedback and technical assistance while assessing PRPD's progress in the implementation of the Action Plan on Professionalization and the progress made in relation to the requirements of Paragraph 13:

- (e) In the first year of implementation of the Action Plan, the TCA will conduct random visits to the four Zones of Excellence in order to assess whether officers are being trained according to the syllabi, instructor guides, presentation and evaluation methodology approved by the TCA. The TCA will also conduct random visits to the specialized units. After the first year, the TCA will also visit all thirteen police areas and/or commands assigned to superintendents ("superintendencias") using SAEA training calendar as the reference for progress being made;
- (f) On a quarterly basis, the PRPD and the TCA will jointly review staffing allocations and resource utilizations segregated by police areas, including districts, precincts and units;
- (g) The TCA will conduct random visits to districts, precincts and units to determine that records relating to staffing and resource allocations are in accordance the requirements of the Agreement. The TCA will interview officers;
- (h) The TCA will conduct onsite tour schedules and random visits to districts, precincts and units to determine whether the supervisors of the PPR have conducted reviews and investigations on staffing and resources needed. The TCA will interview supervisors;
- (i) The TCA will randomly compare data stored PRPD databases to the records with regards to staffing and career development. The TCA will determine the number of records requested using a sample size table. The sample confidence level will be 97% and the selected margin of error will be 3%; and,

- (j) Using the training plan issued by the SAEA for each of the courses, the TCA will review attendance records and officer evaluations to professionalization trainings.

In addition, the TCA will monitor four key requirements that are currently missing or insufficiently developed in the Action Plan on Professionalization:

- (k) The PRPD has indicated that it does not have the current capability to meet the demands of Paragraph 13 and conduct a staffing study. To address this, the PRPD will regularly update and provide information to the TCA in order to ensure that the PRPD is acquiring the resources needed to complete an objective and thorough staff allocation and resource study meeting the demands of Paragraph 13. The PRPD and the TCA will work together to make sure that the PRPD had sufficient data to properly evaluate workloads, internal and external demands, and resource utilization. The TCA and the PRPD will also work together to make sure that the staffing study addresses the principles of community policing. The TCA will monitor that the working group assigned to develop the working plan meets regularly. USDOJ recommends that the TCA and the PRPD develop a framework in which the TCA provides the PRPD with technical assistance. Finally, in terms of timetable, the TCA and the PRPD will work together to make sure that the staffing study and the staffing plan meet the deadlines set in the Agreement and can inform one another.;
- (l) The PRPD will regularly provide information to the TCA in order to assess how promotion practices will be based on merit and comply with equal opportunity employment practices. In particular, the PRPD and the TCA will work together in establishing tools and protocols to assess how the PRPD can implement mechanisms to evaluate (and self-evaluate) the quality of its own promotion practices. Although there are connections, this process of assessment must be separate from the handling of employment discrimination, harassment, and retaliation complaints. The TCA will provide feedback on methods to test discrimination in the workplace from a quantitative perspective;
- (m) The PRPD will regularly provide information to the TCA in order to make sure that a developmental career path for officers is developed and is consistent with Paragraph 21 of the Agreement. The TCA will provide technical assistance in the development of the plan. The TCA and the PRPD will review together the IACP's model policy and other model policies on career development and will work together in defining together how to provide the PRPD with a pool of qualified candidates for high-level positions within the PRPD and to provide transparency; and

- (n) The PRPD's Reform Office and the TCA will review together the self-evaluation activities to determine that the Reform Office has the expertise to address all of the self-evaluation activities enumerated in this section of the Action Plan.

Policies

Activities:

- 1.1 Review of *Reglamento de Personal de la Policía de Puerto Rico* (Núm. 4216). The focus will be on promotions, transfers, and job specifications.

Methodology: This is part of the Action Plan on **Policies and Procedures**. The TCA will ensure that this Regulation is included in the Action Plan on Policies.

- 1.2 Review of *Acuerdo Interagencial de Colaboración de la PPR con la Oficina de Ética Gubernamental de PR*

Table 1

Requerimiento(s)	12, 21, 113 y 143
Responsables	OR (Mientras se crea la División de Políticas y Procedimientos) y la OS
Colaboradores	OEG, SAEA
Recursos	Servicios Profesionales (Abogados); Recursos Internos
Fecha Entrega	Marzo de 2016
Obstáculos	No se anticipan obstáculos
Soluciones	N/A

Methodology: The TCA will review previous inter-agency agreements, the new 2016 inter-agency agreement and all documents (minutes of meetings, data collected, policy drafts, opinions, and any other relevant documents as needed) used by the PRPD to review the new inter-agency agreement. The review process will take place no later than April 2016.

1.3 Review of General Order 600 Section 617, which is entitled “*Código de Ética de los Miembros de la Policía de Puerto Rico.*”

Table 2

Requerimiento(s)	12, 87, 109, 113 y 205
Responsables	OR (Mientras se crea la División de Políticas y Procedimientos) y OS
Colaboradores	SASG (NRH) y SARP
Recursos	Servicios Profesionales (Abogados); Recursos Internos
Fecha Entrega	Esta política fue aprobada el 24 de abril de 2015. Corresponde su revisión anual en Abril de 2016.
Obstáculos	No se anticipan obstáculos
Soluciones	N/A

Methodology: The TCA will review General Order 600, Section 617. The TCA will review all documents (minutes of meetings, data collected, policy drafts, opinions, and any other relevant documents as needed) used by the PRPD to review General Order 600, 617. The full review process will take place no later than May 2016.

1.4 Review of General Order 2010-12: “*Normas y Procedimientos de Transacciones de Traslado del Personal del Sistema de Rango.*”

Table 3

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Requerimiento(s)	13, 14,16,17, 18, 19, 20, 113, 136 y 137
Responsables	OS y OR (Mientras se crea la División de Políticas y Procedimientos)
Colaboradores	SASG (NRH), SAOC, SAIC, SARP, SAEA
Recursos	Servicios Profesionales (Abogados); Recursos Internos
Fecha Entrega	Mayo de 2016
Obstáculos	No se anticipan obstáculos
Soluciones	N/A

Methodology: The TCA will review General Order 200-12. The TCA will review all documents (minutes of meetings, data collected, policy drafts, opinions, and any other relevant documents as needed) used by the PRPD to review General Order 600-12. The full review process will be completed no later than June 2016.

1.5 The PRPD will repeal Regulation Núm. 6644, "Reglamento de Ascensos por Mérito y/o Heroísmo hasta el Rango de Capitán" and of the "Reglamento para la Administración de Exámenes de Ascenso". Develop a new Regulation for promotions to the Rank of Captain.

Table 4

Requerimiento(s)	14,16-20, 84, 113, 136, 137
Responsables	OR y OS (Mientras se crea la División de Políticas y Procedimientos)
Colaboradores	SASG (NRH), SAIC, SAOC y Junta de Exámenes de Ascenso
Recursos	Servicios Profesionales –Abogados y Recursos Internos (colaboradores)
Fecha Entrega	Abril de 2016

Obstáculos	<p>1. Se requiere enmendar la Ley 53-1996, según enmendada, para que los ascensos desde el Rango de Sargento hasta Capitán sean exclusivamente mediante examen. Se dificulta la aprobación de nuevas enmiendas a la Ley durante el año 2016 debido a que es un año eleccionario y habrá una sola Sesión Legislativa.</p> <p>2. Por disposición de ley 1702, se requiere que el Reglamento sea sometido al escrutinio público mediante su publicación y/o vistas públicas por lo que éste no será final hasta que haya culminado el proceso correspondiente.</p> <p>3. El proceso de contratación requiere la aprobación de agencias gubernamentales y podría tardarse de 60 a 90 días.</p>
Soluciones	<p>1. La PPR estará preparando un Anteproyecto cuyo contenido será sometido al TCA y el DJEU para su evaluación.</p> <p>2. Será necesario que una vez el Reglamento sea evaluado por el DJEU y el TCA, y aprobado por el TCA, se conceda tiempo adicional para cumplir con las disposiciones de la LPAU.</p> <p>3. Lograr la aprobación de un proceso expedito entre las Agencias para la evaluación de los contratos.</p>

Methodology: The TCA will track and review the draft or Anteproyecto. The TCA will monitor the publication and/or public hearings. The TCA will review all documents (minutes of meetings, data collected, policy drafts, opinions, and any other relevant documents as needed) used by the PRPD to review Law 53-1996 and Regulation 6644. The full review process will be completed no later than May 2016 with the possibility of time extensions.

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1.6 Development of General Order for the PRPD Rank system.

Table 5:

Requerimiento(s)	15, 113 y 135
Responsables	OS y OR (Mientras se crea la División de Políticas y Procedimientos)
Colaboradores	SASG (NRH-División Clasificación y Retribución), SAIC, SAOC Y SARP
Recursos	Servicios Profesionales (Abogados); Recursos Internos
Fecha Entrega	Septiembre de 2016
Obstáculos	Actualmente, la PPR no tiene descripciones detalladas de las labores que realizan los MPPR para cada uno de los rangos, por lo que no hay uniformidad en las labores que realizan los MPPR en las unidades de trabajo.
Soluciones	Como resultado del estudio de personal que la PPR realizará se identificarán las funciones, responsabilidades y deberes para cada rango, así como las cualificaciones mínimas que deberán tener aquellos MPPR que aspiren a ocupar los mismos.

Methodology: The TCA will review PRPD proposed job specifications and job descriptions and will compare them to description of other jurisdictions and best practices. The TCA will review all documents (minutes of meetings, data collected, policy drafts, opinions, and any other relevant documents as needed) used by the PRPD to create these descriptions. The TCA will monitor monthly progress of the staffing report. The full review process will be completed no later than October 2016 with the possibility of time extensions.

II. Objetivos de Desarrollo de Adiestramientos:

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Activities:

1.1 PRPD will develop ethical and professional training with a particular focus on:

1.1 Orden General 617 – Código de Ética de los MPPR;

1.2 Ética Policial e Integridad;

1.3 Liderazgo Ético;

1.4 Actitudes Éticas en los Lugares de Trabajo;

1.5 Principios de Ética en la administración y supervisión. [This is part of the Action Plan on **Supervision and Management**]

1.6 Manejo de Emociones para una Convivencia Ética;

1.7 Principios de Policía Comunitaria. [This is part of the Action Plan on **Community Engagement**];

1.8 Técnicas para guiar y dirigir efectivamente a los MPPR y promover prácticas policiacas efectivas y éticas; (supervisión efectiva). [This is part of the **Action Plan on Supervision**];

1.9 Políticas de la PPR y las leyes anti discrimin federales y del ELA. [This is part of the **Action Plan on Equal Protection**];

Table 6:

Requerimiento(s)	12, 21 y el 143
Responsables	SAEA
Colaboradores	OEG, Comité de Ética de la PPR
Recursos	Asesoría Externa Diseño de Prontuario de Adiestramientos (OEG); Recursos Internos; Instructores Certificados
Fecha Entrega	La creación de los adiestramientos correspondientes a las políticas deberá realizarse según la fecha indicada en el Anejo D .
Obstáculos	No se anticipan obstáculos.
Soluciones	No aplica.

Methodology: The training materials are to be submitted to the TCA and USDOJ for review as listed in attachment D. The TCA will monitor

compliance with action plan deadlines. USDOJ noted that training materials are not being provided to DOJ.

The TCA will conduct documentary evidence and review all training materials. The TCA will provide technical assistance as required. The TCA will monitor that training materials are used during training of new recruits. Before the training starts the TCA will receive a roster with all employees that received training. The roster will be updated quarterly. The PRPD will submit to the TCA quarterly training attendance logs and training evaluations. The TCA will interview a number of employees who attended the training. The TCA will interview instructors.

2.

2.1 PRPD will develop professional training for the promotional board with a particular focus on:

2.1 Agreement;

2.2 Test measuring cognitive abilities;

2.3 Questions measuring knowledge and expertise; y

2.4 Design of a permanent database of questions.

Table 7:

Requerimiento(s)	12, 21 y el 143
Responsables	SAEA
Colaboradores	OS Junta de Exámenes de Ascenso
Recursos	Recursos Internos; Instructores Certificados
Fecha Entrega	Esta Actividad fue realizada en junio 2015. Las próximas fechas serán una vez Superintendente constituya la Junta de Exámenes.
Obstáculos	1. Limitaciones en contratación de recursos humanos establecidas en la Ley 66-2014, conocida como la "Ley Especial de Sostenibilidad Fiscal y Operacional del Gobierno

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	<p>del Estado Libre Asociado de Puerto Rico”.</p> <p>2. La Junta de Exámenes de Ascenso es constituida por el Superintendente mientras haya programados exámenes de ascenso, una vez se realicen los mismos la Junta queda disuelta.</p>
Soluciones	<p>1. Separar el presupuesto de los fondos para la Reforma una vez sean asignados. Lograr la aprobación de un proceso expedito en mutuo acuerdo entre agencias para la contratación de recursos humanos.</p> <p>2. Esta actividad debe ser realizada una vez se constituya la Junta previo a la administración de nuevos exámenes de ascenso. En cuyo caso la fecha de realización deberá ser no más tarde del primer mes de constituida la misma.</p>

3. PRPD will develop professional training for supervisory staff [This is part of the Action Plan on **Supervision**] with a particular focus on:

3.1 The SAEA will develop a multi-thematic training program for those who have passed the promotional tests. These trainings are included in the Action Plan on **Supervision**.

III. Implementation:

1. PRPD will assign adequate number of personnel and resources.

Activities:

- 1.1 PRPD will develop a working group to develop a working plan on staffing. The group will meet monthly.

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Table 9:

Requerimiento(s)	13, 80, 87, 135, 136 v 137
Responsables	SASG
Colaboradores	SAOC, SAIC, SAEA, OAL v OR
Recursos	Recursos Humanos Internos
Fecha Entrega	Diciembre de 2016.
Obstáculos	No se anticipan obstáculos.
Soluciones	No aplica.

Methodology: The PRPD will regularly provide information to the TCA about the working group, the working plan, and how the group is meeting the timetable deadlines. The PRPD will regularly inform the PRPD of the progress being made in order for the TCA to assess that the PRPD has the resources needed to complete an objective and thorough staff allocation and resource study meeting the demands of Paragraph 13. The PRPD must meet the December 2016 deadline. The deliverable is not to create a working group but rather to develop a coherent working plan on staffing.

1.2 Conduct a Staffing and Resource Allocation Study.

Table 10:

Requerimiento(s)	13, 80, 87, 135, 136 v 137
Responsables	SASG
Colaboradores	SAOC, SAIC, SAEA, OAL v OR
Recursos	Recursos humanos internos
Fecha Entrega	Junio de 2016
Obstáculos	El Grupo de Trabajo podría requerir de ayuda externa para completar la evaluación, lo cual requerirá de contratación externa.
Soluciones	Separar el presupuesto de los fondos para la Reforma una vez sea notificada la necesidad de contratación. Lograr la aprobación de un proceso rápido entre agencias involucradas en el proceso de contratación de los recursos.

Methodology: The PRPD should complete the study on or before June 2016. The TCA will review that the PRPD meets the deadline and the study meets the demands of Paragraph 13. If PRPD does not meet the deadline, the TCA will report on the barriers to meet this requirement.

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1.3 The Superintendent will adopt HR Plan.

Requerimiento(s)	13, 80, 87, 135, 136 y 137
Responsables	SASG (NRH, NT)
Colaboradores	SAOC, SAIC, SASG (NT) y OR
Recursos	Asesoría Externa; recursos humanos internos (colaboradores)
Fecha Entrega	Diciembre de 2016
Obstáculos	a totalidad de los obstáculos serán identificados como parte de la evaluación realizada. No obstante, se considera que la situación fiscal del gobierno de Puerto Rico podría afectar significativamente algunas de las transacciones de personal sea necesario realizar.
Soluciones	Efectuar las transacciones de personal por etapas, identificando las necesidades prioritarias y los recursos

Methodology: The PRPD will monitor that PRPD meets the December 2016 deadline.

[The Action Plan jumps from 1 to 3]

3. The PRPD will develop promotional exams in consultation with the TCA.

3.1 Select and appoint members of the Promotional Board, Junta de Exámenes de Ascenso.

Table 12:

Requerimiento(s)	14, 16, 17, 19 y 20
Responsables	OS
Colaboradores	OR, SAOC, SAEA, SARP, SAIC, OAL y SASG (NR)
Recursos	Recursos Humanos Internos
Fecha Entrega	6 -12 meses antes de la fecha de Convocatoria a Exámenes de Ascenso una vez sea determinada por el Superintendente, luego de considerar las necesidades y la asignación de recursos fiscales para tales fines.

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Obstáculos	La Junta de Exámenes de Ascenso es constituida por el Superintendente mientras haya programados exámenes de ascenso, una vez se realicen los mismos la Junta queda disuelta.
Soluciones	Esta actividad debe ser realizada una vez se constituya la Junta previo a la administración de nuevos exámenes de ascenso.

Methodology: The PRPD will monitor that the PRPD meets the required deadline.

3.2 La SAEA will provide assistance in the development of the promotional tests.

3.3

Table 13:

Requerimiento(s)	14. 16.17.19 v 20
Responsables	SAEA
Colaboradores	OR. SASG (NRH). OS
Recursos	Recursos Humanos Internos: Asesoría Externa para el
Fecha Entrega	En Marzo de 2015 se adiestró a primera Junta de Exámenes luego del Acuerdo. Las próximas fechas serán de 60-90 días luego que el Superintendente constituya una nueva Junta de Exámenes de Ascenso.
Obstáculos	No se anticipan obstáculos.
Soluciones	No aplica.

Methodology: The TCA will monitor that the PRPD meets the required deadline.

3.4 The Promotional Board will draft the tests and rules for the administration of such tests.

Table 14:

Requerimiento(s)	14. 16.17.19 v 20
Responsables	OS v Junta de Exámenes de Ascenso
Colaboradores	OR. SAOC. SAEA.SARP.SAIC v SASG (NR)
Recursos	Recursos Humanos Internos

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Fecha Entrega	Sesión I Sargentos: 29 de agosto de 2015 Sección II: Capitán y Teniente I: Octubre 24 de 2015 Sección III: Teniente II: Diciembre 2015 La fecha de Convocatoria a Exámenes de Ascenso dependerá de las necesidades identificadas y de los recursos fiscales asignados para tales fines. Los exámenes se completarán en la fecha en que sea determinado por la Junta de Exámenes de Ascensos.
Obstáculos	1. Podría afectarse debido a factores operacionales tales como: conflictos huelgueros, primarias electorales, elecciones generales y desastres naturales entre otros. 2. Posibles limitaciones al presupuesto anual de la Reforma ante la situación fiscal que atraviesa Puerto Rico.
Soluciones	1. Se posponga la fecha de examen hasta tanto se mitigue la situación extraordinaria.

Methodology: The PRPD will ensure that the PRPD meets the required deadlines. In addition, the TCA will review the rules and the number of officers promoted during the review period. The TCA will review whether the new rules describe testing and selection process through rank of Captain and whether they were enacted in accordance with Agreement and PRPD policy. As suggested by USDOJ, the TCA will review the effect of these rules in promotions and non-promotions. The TCA may review cases where individuals were not promoted.

V. Self-Assessment:

The PRPD's Reform Office and the TCA will review together the self-evaluation activities to determine that the Reform Office has the expertise to address all of the self-evaluation activities enumerated in this section of the Action Plan.

The PRPD will gather the data described in activities (1) through (4) of this section. PRPD will submit to the TCA all documents (minutes of meetings, notes from field visits, random tests, quantitative data collected, policy drafts, etc.) used in PRPD's self-evaluation.

VI. Budget:

Methodology: On a yearly basis, the PRPD will submit to the TCA a